REMARKS

The Applicant respectfully requests reconsideration. Claims 1-20 were previously pending in this application. By this amendment, claims 1, 2, 19 and 20 have been amended. No new claims have been added and no claims have been cancelled. As a result, claims 1-20 are pending for examination with claims 1, 2, 19 and 20 being independent claims. No new matter has been added.

The amendments made are minor and directly address the Examiner's §112 rejections. They do not raise new issues and it is therefore appropriate that they be entered under 37 CFR § 1.116.

Claim Rejections Under 35 U.S.C. §112

Claims 1, 2, 19 and 20 have been amended to specify that at least some attributes are selectively allocated to data elements. The Applicant respectfully disagrees with the Examiner's assertion that the word "may" inherently renders the claim indefinite. Moreover, claims 2 and 20 did not recite the word "may," leaving Applicant to guess at the reason for rejection. However, the amended claims are believed to overcome the Examiner's objection and the Examiner is respectfully requested to withdraw the rejection.

Claim Rejections Under 35 U.S.C. §103

Applicant appreciates the care with which the Examiner has approached this examination. The outstanding Office Action clearly explains the Examiner's reasoning. Applicant disagrees with the Examiner's conclusions, however, and takes this opportunity to further clarify certain claims and, hopefully, to explain with greater precision why Applicant believes the Examiner's conclusions are in error.

First, some brief remarks are offered in response to the Examiner's response to Applicant's previous arguments.

Applicant agrees with the Examiner that the test for obviousness is what the combined teachings of the references would have suggested to one of ordinary skill in the art at the time the invention was made. If the Examiner interpreted Applicant's previous comments as an argument that the combination was not obvious because the features of the secondary reference could not be bodily incorporated into the structure of the primary reference, the Examiner has either misunderstood or is twisting Applicant's remarks. If two references are to be combined, however,

they must be sufficiently compatible to be combinable without changing the primary reference to the point that it no longer serves its intended purpose. Further, there must somewhere be a reason one skilled in the art would have effected the combination and there must also be a reasonable expectation of success.

As to it being justified to combine references if there is any single reason that it is obvious to combine them, Applicant concedes that this is the state of the law. However, the Examiner still bears the burden of establishing that there <u>is</u> a reason that would have occurred to one skilled in the art, and *the Examiner must articulate this reason.* See the recent directive to the examining corps following the *KSR* decision.

Next, the Examiner asserts that Davis shows attributes and suggests filtering by setting and removing a value to indicate whether an item is on or off. The Examiner acknowledges that there is no disclosure in Davis of accepting a mouse click from a user to toggle an attribute on or off. However, he then dismisses Applicant's previous argument by saying that it was merely an attack on a reference *individually* whereas the rejection was based on a *combination* of references, and that Labarge shows the use of a mouse and allows the user to use it to select values either on or off. Unfortunately, this amounts to no more than piecemeal selection of features of two different references, neither of which addresses the claimed subject matter, and miraculously coming up with a proposition that for some reason Labarge would have suggested that Davis be modified to provide user interactivity with his tables. The Examiner fails to appreciate that, as more fully discussed below, to do so would be inconsistent with the broader teachings of Davis. One cannot ignore the totality of the teaching and intention of a reference and just selectively extract features out of context. Such selectively as a hallmark of hindsight, and the Examiner would not be the first to fall prey to hindsight while believing he is studiously avoiding it.

Applicant believes that his view of the law and the Examiner's view of the law are consistent. What separates them is how they *apply* the law to the facts at hand. Applicant suggests that the Examiner's application of the law is not justified and does not take into account the full teachings of the references. Those teachings belie the ability of one skilled in the art to see in the reference either a <u>motivation</u> for combining the references to achieve the claimed invention or an

ability to combine the references to that end, coupled with the required reasonable expectation of success. These points will be more fully amplified below.

Claims 1-20 remain rejected under 35 U.S.C. §103(a) as being unpatentable over Davis (NPL, Application Development Methodology, Dec. 1996, pp. 1-20) in view of Labarge (U.S. Publication No. 2002/0120604, filed Feb. 27, 2001).

Applicant respectfully disagrees with a number of the Examiner's assertions and interpretations of the pending claims and of the prior art. In addition, the Examiner's reasons for requestion are not fully consistent with the latest guidance from the Board of Patent Appeals and Interferences, e.g., ex parte-Rinkevich (Appeal No. 2007-1317), as explained in more detail below.

To simplify the examination process, the arguments submitted below relate only to the features of displaying a filter option indicator, receiving user input to select at least one filter option and filtering the list of items according to the or each filter option selected by the user. In the event that the Examiner does not allow the application on the basis of the amendments submitted herewith and the arguments below, Applicant reserves the right to submit further arguments.

Turning forth to Davis, such reference discloses an information display system. The matrices are nothing more than display tools. For example, the matrix on p. 13 is described as a "matrix that shows, for attribute types, the processes in which they are involved" [emphasis added]. The matrix on p. 13 displays a number of processes and the attributes inherent to those processes. For example, the "cancel presentation" process results in removal of attributes including the room details, the lecturer number and the course time. Hence the table summarizes and displays to a user the pre-set actions that would occur if a process is implemented. To emphasize the distinction between Applicant's system and that of Davis, the claims have been amended to recite "interactively" managing information.

Applicant anticipates that the Examiner will immediately note that the word "interactively" appears in the preamble and that under Office policy it should not be considered limiting under the body of the claim refers to this aspect of the preamble and demonstrates a clear intention to limit the scope of the claim. This amendment is intended to be redundant and to merely presage that which the claims already recite expressly. For example, note that claim 1 recites "receiving user input"

and after filtering based on that input, "redisplaying the filtered list of items." This is clearly an interactive operation.

The "interactively" amendment does not alter claim scope, but does highlight a quality of the claimed method.

There is no disclosure in Davis of accepting user input via the matrices shown to allocate attributes to processes or sort or filter the attributes or processes in any way, or to redisplay a filtered list.

The matrices of Davis are generated by a "task" which presumably acts on an underlying and undisclosed database. For example, the matrix of p. 13 is "created by task A3.10.4". This database is presumably considered to be too complex to display directly to a user.

Therefore, Davis does not provide a system that is at all interactive. Further, there is no suggestion in Davis that any sort of interactivity should be provided in the matrices, and no disclosure of the combination of actions needed to achieve interactivity.

Davis is a complete system for displaying details of processes and actions to be performed on the basis of those processes. No deficiency or problem is identified in Davis as requiring a solution. The skilled person would have <u>no reason to provide any interactivity</u> in Davis. In fact, one purpose of the system of Davis as described on p. 1 is that it "serves as a roadmap for both experienced and inexperienced staff." This would <u>teach away</u> from modifying Davis to incorporate interactivity, since a roadmap provides an overview of a pre-planned project and would be less useful it if were constantly being changed by users.

In summary, as recognized by the Examiner, Davis does not teach at least "receiving user input to select at least one filter option", or "filtering the list of items according to the or each filter option selected by the user." Further, Davis does not disclose "interactively managing" any data.

The Examiner consequently turns to Labarge. Labarge discloses a "records filter provided to a user in the form of a graphical user interface." The user interface enables the user to "process the database records from a database source file." The user is provided with several different screens, as shown in FIGs. 3a to 3d for selecting and filtering items from the database. Hence, <u>Labarge is a complete database and record filtering system</u>, other examples of which are known in

the art and discussed in ¶5 of the present application as published under Publication No. 2004/0049732.

The Examiner concludes that an obvious modification of Davis in view of Labarge would lead the skilled person to the claimed system. This is unfounded and incorrect.

There is no teaching or motivation- anywhere - to combine Davis and Labarge

As discussed above, Davis provides a complete system for displaying pre-defined processes and actions. There is nothing in Davis that suggests that any type of user-defined filtering would be useful or desirable. In fact, the introduction section on p. 1 of Davis emphasizes that consistency of views between "project participants" is a key feature of the system. Hence, Davis teaches away from providing any user-definable filtering.

The Examiner asserts that the motivation for including a filter option indicator for attributes "would have been to provide the user an option by allowing a user to (select or deselect) the attribute to apply to an entire column, thereby saving time". However, the purpose of Davis is to display information. There is no suggestion that a user should do any selecting or sorting of items within Davis. The user simply reviews the displayed information. Therefore the user is not performing any tasks with Davis that he could save any time doing. So, where in the art would the POSITA get the idea the Examiner is hypothesizing for him/her? The answer is evident: nowhere. This is a classic example of the use of hindsight in combining references. Nothing other than hindsight could ever suggest such a wholesale transformation of Davis into something it is not intended to be.

It is not clear how the filtering of Labarge could be applied to Davis

Even if the skilled person thought to "provide the user an option by allowing a user to (select or deselect) the attribute to apply to an entire column," as suggested in the Office Action, this would only allow a user to apply an attribute to a column of items and would not allow the user to filter based on an attribute.

It is not clear how any filtering functionality could be added into Labarge. To substantiate an obviousness rejection based on a combination of references, the Examiner must show that one skilled in the art would perceive an operable combination with an expectation of success! There is

no indication anywhere, that one skilled in the art would (1) expect to successfully combine the references and (2) arrive at the claimed invention.

If the filtering system of Labarge were applied to Davis, the combination would not result in the system claimed

An expectation of success would be lacking as the combination would not work in the manner claimed.

Labarge has already solved the problem of how to provide a filtering system, and described this in detail. Therefore starting from Davis, "a person of ordinary skill in the art having common sense at the time of the invention" (*ex parte Rinkevich*, Appeal No. 2007-1317, p. 9) would implement a window-based filtering system as described in Labarge *rather* than the filter option indicator system presently claimed.

Any suggestion that the skilled person would significantly modify the GUI, window-based filtering system of Labarge in applying it to Davis can only result from the Examiner having "impermissibly used the instant claims as a guide or roadmap in formulating the rejections" (Id. at 9).

Indeed, significant modification of the Labarge system would be required to provide a system "wherein the horizontal extensions of each attribute strip further display a filter option indicator," enabling the steps of "receiving user input to select at least one filter option," or "filtering the list of items according to the or each filter option selected by the user." No such modification is taught or suggested anywhere, and it has not been shown to be within the general knowledge of one skilled in the art.

In summary, there is no teaching or motivation that would have led one skilled in the art to combine Davis and Labarge as claimed. Even if they were combined, it is not clear how the filtering feature of Labarge could be incorporated into the display table of Davis. Finally, if Davis and Labarge were combined in the way that would seem most obvious to a skilled person at the time of the invention, the combination would not result in the claimed method.

In summary, the invention of amended claim 1 is not rendered obvious by the references and the rejection should be withdrawn.

Independent claims 2, 19 and 20

Independent claims 2, 19 and 20 are neither anticipated nor rendered obvious by any combination of Davis and Labarge for at least the reasons set forth above. Therefore the Examiner should withdraw the rejection under 35 U.S.C. §103(a) of these claims.

Dependent claims 3-18

The dependent claims are neither anticipated nor rendered obvious at least by virtue of being dependent on allowable claim 2. The features of the dependent claims are not discussed in detail herein. However, for the avoidance of doubt, the dependent claims are believed to add further novel and inventive features.
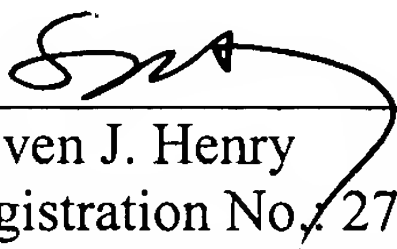
CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Dated: July 6, 2007   Respectfully submitted,

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